

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROMMEL RAY REED,

Petitioner,

v.

CASE NO. 12-11163

HONORABLE GEORGE CARAM STEEH

JEFFREY WOODS,

Respondent.

**ORDER GRANTING PETITIONER'S MOTION FOR ACCESS TO CASE
AUTHORITIES AVAILABLE ONLY IN ELECTRONIC DATABASES LEXIS
AND WESTLAW AND OTHER ACCESS-LIMITED PUBLICATIONS (DOC. 11)**

This is a habeas case under 28 U.S.C. § 2254. Rommel Ray Reed, ("Petitioner"), is a state prisoner who is challenging his convictions for possession with intent to deliver more than 1,000 grams of cocaine, and conspiracy to possess with intent to deliver more than 1,000 grams of cocaine. Respondent has not yet filed an answer to the petition.

Before the Court is Petitioner's "Motion for Access to Case Authorities Available Only in Electronic Databases LEXIS and Westlaw and Other Access-Limited Publications." (Doc. 11). Petitioner requests that Respondent's counsel provide him with paper copies of any unreported decisions or unavailable decisions that counsel cited in the response to the petition. For the reasons that follow, the motion will be granted.

Like other judges in this district, "This Court is concerned about the impact on the appearance of justice when an incarcerated pro se litigant like Petitioner lacks access to cases or court rules that are available only on electronic databases like LEXIS and Westlaw, 'thereby hampering the litigants' opportunities to understand and assert their legal rights.'" *Davis v. Lafler*,

692 F. Supp. 2d 705, 706 (E.D. Mich. 2009)(quoting *Lebron v. Sanders*, 557 F.3d 76, 78 (2d Cir. 2009)). Because it appears that Petitioner lacks access to electronic databases at the prison library, Respondent's counsel shall provide Petitioner with paper copies of any unpublished and any electronically-available-only opinions that counsel cited in its response. Respondent's counsel will also be directed to provide Petitioner with paper copies of published decisions which Petitioner says are not available at the prison library that are cited in the response.

For the reasons stated above, Petitioner's motion for access to case authorities is **GRANTED**.

Respondent's counsel shall provide Petitioner with paper copies of:

(1) any unpublished decisions and electronically-available-only opinions that are cited in the response; and

(2) any published decisions cited in the response from the following volumes that are not available to Petitioner:

- (a) United States Supreme Court Reporter, volumes 1-89 (prior to 1970);
- (b) Federal Reporter, 2nd Series, Volumes 1-420 (prior to 1970);
- (c) Federal Supplement, 1st Series, Volumes 1-306 (prior to 1970);
- (d) Michigan Reports, Volumes 1-423.

SO ORDERED.

Dated: October 2, 2012

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on October 2, 1012, by electronic and/or ordinary mail and on Rommel Reed #276650, Chippewa Correctional Facility, 4269 West M-80, Kincheloe, MI 49784.

s/Barbara Radke
Deputy Clerk